

**ENTERED**

January 03, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
—BROWNSVILLE DIVISION—**

RODRIGO MOSQUERA,  
Plaintiff,

§

§

§

VS.

§

CIVIL NO. B-17-007

§

§

DAMON HININGER, et al.,  
Defendants.

§

**ORDER**

On September 27, 2017, the United States Magistrate Judge filed a Report and Recommendation. [Doc. No. 98]. Plaintiff has objected to said Report and Recommendation. [Doc. No. 123]. Defendants filed their objections [Doc. Nos. 109 & 127].

Having considered *de novo* the Magistrate Judge's Report and Recommendation and the issues raised by Plaintiff and Defendants' objections, the Court orders that the Magistrate Judge's Report and Recommendation is hereby adopted. Therefore, Mosquera's motion to amend complaint [Doc. No. 65] is granted in part and denied in part. As to the claims made against Paul Arjuijo for deliberate indifference to violence perpetrated by other inmates and deliberate indifference to Mosquera's serious medical needs as it related to the second hand smoke, the motion is granted and leave to amend is hereby granted to include these claims. As to all other claims, regardless of their target, the motion to amend is denied.

Signed this 3<sup>rd</sup> day of January, 2018.



Andrew S. Hanen  
United States District Judge